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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/716,672	11/20/2000	Vick Y. Tagawa	CCTI001	8396
25235	7590	07/29/2004	EXAMINER	
HOGAN & HARTSON LLP ONE TABOR CENTER, SUITE 1500 1200 SEVENTEENTH ST DENVER, CO 80202			MOSLEHI, FARHOOD	
		ART UNIT	PAPER NUMBER	
			2152	

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/716,672	TAGAWA, VICK Y.
	Examiner	Art Unit
	Farhood Moslehi	2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 May 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-29 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-29 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

1. Claims 1-29 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 2, 4-8, 10, 11, 13-17, 19, 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Houlihan et al. (6,535,713) (hereinafter Houlihan).

4. As per claim 1, Houlihan shows a computer system for providing network training to students operating nodes linked to a data communications network, comprising:
A network training laboratory comprising computer networking devices communicatively linked to implement a functioning electronic communications network and operating in a first operation mode (e.g. col. 4, lines 28-32); and a training host communicatively linked

to the communications network and to the network training laboratory for providing a communication connection between the computer networking devices and the student nodes and for generating and transmitting to the student nodes a student user interface comprising graphical representations of the computer networking devices in the network training laboratory (e.g. col. 4, lines 33-44 & col. 3, lines 5-17); wherein the training host is further adapted to provide a particular communication connection to a particular one of the computer networking devices in response to a student node selecting the graphical representation corresponding to the particular computer networking device (e.g. col. 3, lines 5-17).

5. As per claim 10, it is rejected for similar reasons as stated above.
6. As per claim 16, it is rejected for similar reasons as stated above.
7. As per claim 20, it is rejected for similar reasons as stated above.
8. As per claim 2, Houlahan shows the computer system wherein the computer networking devices include native interfaces and the communication connection provided by the training host is adapted for providing the native interface of the particular networking device to the selecting student node and for transmitting instructions to change the particular computer networking device from the first operation mode to a second operation mode (e.g. col. 3, lines 34-40).
9. As per claim 11, it is rejected for similar reasons as stated above.
10. As per claim 13, it is rejected for similar reasons as stated above.

11. As per claim 4, Houlihan shows the computer system, wherein at least one of the student nodes is located at a location physically remote from the network training laboratory (e.g. col. 4, lines 37-44).

12. As per claim 5, Houlihan shows the computer system, wherein the computer networking devices include a router, and wherein the training host includes a router control server connected to the router and configured for providing the communication connection from the student nodes to the router (e.g. Figure 1).

13. As per claim 6, Houlihan shows the computer system wherein the router control server is configured as a terminal server with a terminal emulation program that enables the student nodes to remotely operate the router control server to provide the communication connection between the router and the student nodes (e.g. Figure 1. It is well established in the art that the simplest method to configure a router in a platform independent environment is through the use of a terminal emulation program. Given that a route exists between the student nodes and the router and providing the students with authentication information, then the network depicted in figure one allows students to remotely operate the routers).

14. As per claim 17, it is rejected for similar reasons as stated above.

15. As per claim 7, Houlihan shows the computer system, wherein the computer networking devices include a server, and wherein the training host includes a server control server connected to the server in the network training laboratory and configured for providing the communication connection from the student nodes to the server (e.g.

Figure 1. The local Training Server and Local courseware storage device provide this functionality).

16. As per claim 8, Houlihan shows the computer system, wherein the server control server includes a remote access program that enables remote control of the server control to achieve the communication connection between the server and the student nodes (e.g. col. 7, lines 27-34).

17. As per claim 14, Houlihan shows the method , further including saving information for the first operating state and the second operating state and with the training host, using the saved state information to place the computer networking devices in the network training laboratory into the first operating state or the second operating state (e.g. Figure 1. Expanded courseware storage system).

18. As per claim 15, Houlihan teaches the method, further including establishing employment criteria , wherein the first operating state is selected based on the employment criteria, and further including a job applicant with access to the remote node and comparing the second operating state to predefined acceptable operating states based on the employment criteria (e.g. Figure 3. giving access to users based on their employment criteria is inherent to the system).

19. As per claim 19, Houlihan shows the method, wherein the host computer system further includes a power controller linked to the computer networking devices and adapted for selectively providing power to each of the computer networking devices, and further including operating the power controller remotely from the remote node to

control the selective provision of power (Power supply and provisioning of power among network devices is an inherent to the network).

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claim 3, 9, 12, 18, 21, 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Houlihan in view of DeNicola et al (6,288,753) (hereinafter DeNicola).

22. As per claim 3, Houlihan does not specifically teach the computer system, wherein the training host includes a Web server and the student user interface is a graphical user interface comprising a Web page. DeNicola teaches the computer system, wherein the training host includes a Web server and the student user interface is a graphical user interface comprising a Web page (e.g. Figures 6 and 7). It would have been obvious to one of ordinary art at the time the invention was made to combine Houlihan and DeNicola. The motivation would have been to use a standard interface.

23. As per claim 12, it is rejected for similar reasons as stated above.

24. As per claim 18, it is rejected for similar reasons as stated above.

25. As per claim 9, Houlihan does not specifically teach the computer system, further including an instructor node communicatively linked to the communications network and adapted for transmitting a network state instruction set to the training host, wherein the

training host is configured to respond to receipt of the instruction set by placing the computer networking devices in a second operation mode. DeNicola teaches the computer system, further including an instructor node communicatively linked to the communications network and adapted for transmitting a network state instruction set to the training host, wherein the training host is configured to respond to receipt of the instruction set by placing the computer networking devices in a second operation mode (e.g. col. 5, lines 30-48). It would have been obvious to one of ordinary art at the time the invention was made to combine Houlihan and DeNicola. The motivation would have been to add live-interactivity to the system.

26. As per claim 21, Houlihan does not specifically teach the method, further including connecting an administrative node to the data communications network and third operating the administrator mechanism to deliver an administrative interface to the administrative node that is configured to provide access over the direct communications path to each of the network devices of the laboratory. DeNicola shows teach the method, further including connecting an administrative node to the data communications network and third operating the administrator mechanism to deliver an administrative interface to the administrative node that is configured to provide access over the direct communications path to each of the network devices of the laboratory (e.g. Figure 7). It would have been obvious to one of ordinary art at the time the invention was made to combine Houlihan and DeNicola. The motivation would have been for remote administration of the student workstations.

27. As per claim 22, it is rejected for similar reasons as stated above; furthermore monitoring different operating environments is an inherent task of an administrator.
28. As per claim 26, it is rejected for similar reasons as stated above.
29. As per claim 23, Houlihan does not specifically teach the method, further including connecting a training partner node to the data communications network and fourth operating the administrator mechanism to deliver a training partner interface to the training partner node, wherein the training partner interface is configured to provide access to a resource scheduling application of the training host that is adapted for monitoring availability of the laboratory and for controlling access to the laboratory to reserved times. DeNicola teaches the method, further including connecting a training partner node to the data communications network and fourth operating the administrator mechanism to deliver a training partner interface to the training partner node, wherein the training partner interface is configured to provide access to a resource scheduling application of the training host that is adapted for monitoring availability of the laboratory and for controlling access to the laboratory to reserved times (e.g. Figure 4, "view scheduled courses" and col. 11, lines 5-10 and col. 10, lines 46-60. the virtual university format inherently schedules training sessions, furthermore, the pay-per-view model and cable programming model schedules sessions for predetermined times). It would have been obvious to one of ordinary art at the time the invention was made to combine Houlihan and DeNicola. The motivation would have been for access by users to session offerings).
30. As per claim 24, it is rejected for similar reasons as stated above.

31. As per claim 25, it is rejected for similar reasons as stated above.
32. As per claim 27, it is rejected for similar reasons as stated above.
33. As per claim 28, it is rejected for similar reasons as stated above.
34. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Houlihan in view of "official notice".
35. As per claim 29, Houlihan teaches the method wherein prior to the first, second, and third providing, the administrator mechanism requests, receives, and verifies login information from the users of the student node (e.g. Figure 4), but does not specifically teach verification of login information from users of the instructor node and administrator node. Official Notice is taken that it is well known in the art that login information and verification is taken from all users of networks. The motivation is to increase security in all segments of the network that are vulnerable to unauthorized usage and tampering.
36. Applicant's arguments filed 5-11-2004 have been fully considered but are not persuasive.
37. In the remarks, applicants argued in substance that (1) Houlihan does not contemplate network training in particular, and does not show or suggest a network training laboratory called for in claim 1.
38. As to point (1) the examiner disagrees because Houlihan clearly teaches an interactive training network for developing, delivering and running interactive, multimedia courseware (e.g. col. 4, lines 28-32 and col. 5, lines 60-67).

39. In the remarks, applicants argued in substance that (2) Houlihan does not show or suggest a network training laboratory or a method for providing network training (e.g., training about how to configure and operate a network) to students.

40. As to point (2) the examiner disagrees because Houlihan clearly teaches a lesson delivery system where the course material on any subject is downloaded from a central server to students workstations for their viewing and experimentation (e.g. col. 6, lines 31-45).

41. In the remarks, applicants argued in substance that (3) Independent claim 16 calls for, among other things, providing a host computer system having a router controller and a server controller that are linked to control routers and servers which is not suggested by the reference.

42. As to point (3) the examiner disagrees because the amount of information that is flowing to the performance labs are controlled by the main server that is connected to the performance labs through the server. It is inherent property of any Wide Area Network to have a mechanism to control the amount of information flow through the router and subsequently through the central training server (e.g. col. 6, lines 1-14). Furthermore, it is again an inherent property of a frame relay network to have linked switches / routers that are controlled by a central controller for the purpose of flow control (e.g. Figure 1, item 120).

43. In the remarks, applicants argue in substance that (4) the rejection of claim 1 does not state where in Houlihan one can find a host computer system linked to a

communications network, the host computer system including a router and a server controller.

44. As to point (4) the examiner disagrees because Figure 1 clearly depicts a central training server (item 110) connected to a fast packet/ Frame Relay network (e.g. Figure 1, item 110 and 120).

45. In the remarks, applicants argue in substance that (5) Houlihan does not show a method in which a student node is given access to network devices in a laboratory, nor to a subset of those devices.

46. As to point (5) the examiner disagrees because Houlihan teaches that the student has access to the performance Labs #1 or #2 and any devices that exist within the Lab's networks including the workstations or local servers. Any other devices that are put within these labs are accessible by the students (e.g. col. 4, lines 45-56).

47. In the remarks, applicants argue in substance that (6) DeNicola et al. do not show or suggest any reason to operating a remote node to select an operating state for linked routers, or operating a remote node to select an operating state for linked servers.

48. As to point (6) the examiner disagrees because DeNicola shows a student workstation being connected to a number of servers through the Internet (e.g. Figure 7, element 80, student workstation is the remote node connected to linked servers.)

49. In the remarks, applicants argue in substance that (7) Houlihan or DeNicola do not show or suggest a method for administering configuration of and access to a network training laboratory (or any other type of network).

50. As to point (7) the examiner disagrees because DeNicola shows a student access page that allows the student to enter the network (Figure 6). Moreover Houlihan also shows a method for the student to access the network (Figure 4, element 400). Furthermore, DeNicola teaches the online lessons being administered by system administrators. It is obvious that this system has to be administered by system administrators (e.g. col. 4, lines 51-60).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farhood Moslehi whose telephone number is 703-305-8646. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 703-305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

fm



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